

C. Todd Norris, SBN 181337  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701  
E-mail: todd.norris@bullivant.com

Stephen R. Risley  
(Admitted Pro Hac Vice)  
SMITH RISLEY TEMPEL SANTOS LLC  
Two Ravinia Drive, Suite 700  
Atlanta, GA 30346  
Telephone: 770-709-0022  
Email: srisley@srtslaw.com

Michael T. Smith  
Richard L. Sizemore  
(Admitted Pro Hac Vice)  
LOGAN, JOLLY, & SMITH, L.L.P.  
1805 North Boulevard  
Anderson, S.C. 29621  
Telephone: (864) 226-1910  
Email: msmith@loganjollysmith.com  
Email: sizemore@loganjollysmith.com

Attorneys for Plaintiff and Counter-  
Defendant TECHSHELL, INC.

Brian E. Mitchell (SBN 199095)  
Jigang Jin (SBN 239465)  
MITCHELL + COMPANY  
4 Embarcadero Center, Suite 1400  
San Francisco, CA 94111  
Telephone: (415) 766-3515  
Facsimile: (415) 402-0058  
Email: brian.mitchel@mcclawoffices.com

Brandon Baum (SBN 121318)  
AGILITY IP LAW  
149 Commonwealth Drive  
Menlo Park, CA 94025  
Phone: (650) 924-1032  
Fax: (650) 561-8410  
Email: brandon@agilityiplaw.com

Attorneys for Defendants and Counterclaimants  
INCASE DESIGNS, INC., BEST BUY CO. INC.  
BESTBUY.COM LLC and BEST BUY STORES  
LP

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

TECHSHELL, INC.,

Plaintiff,

v.

INCASE DESIGNS, INC. et al,

Defendants.

**Case No. 4-11-cv-04576-YGR**

**STIPULATION AND ~~PROPOSED~~ ORDER  
GRANTING LEAVE TO AMEND  
ANSWERS AND COUNTERCLAIMS**

1 Plaintiff and Counter-Defendant Techshell Inc. (“Techshell”), Defendant and  
 2 Counterclaimant Incase Designs Inc. (“Incase”), and Defendants Best Buy Company Inc.,  
 3 BestBuy.com LLC and Best Buy Stores LP (the “Best Buy Defendants”) stipulate as follows:

4 1. Discovery in this matter is ongoing;

5 2. Incase and the Best Buy Defendants have recently identified certain facts during  
 6 discovery that, they assert, would support a defense based on inequitable conduct and, for Incase,  
 7 a corresponding counterclaim;

8 3. The Best Buy Defendants seek leave from this Court to amend their responsive  
 9 pleading to include such a defense. Incase seeks leave from this Court to amend its responsive  
 10 pleading to include such a defense and related counterclaim;

11 4. Techshell, while disputing the validity of such a defense, does not object to these  
 12 amendments;

13 5. The parties agree that amendment will not delay in the orderly resolution of this  
 14 matter including but not limited to any postponement of the July 8, 2013 trial date.

15 6. Accordingly, Techshell and Incase stipulate that Incase may amend its Answer  
 16 and Counterclaims, in the form of the attached Exhibit A.

17 7. Accordingly, Techshell and the Best Buy Defendants stipulate that the Best Buy  
 18 Defendants may amend their Answer, in the form of the attached Exhibit B.

19 SO STIPULATED:

20 /s/ Stephen R. Risley  
 21 Stephen R. Risley  
 22 SMITH RISLEY TEMPEL SANTOS LLC  
 23 Two Ravinia Drive, Suite 700  
 Atlanta, GA 30346  
 Telephone: 770-709-0022  
 Email: srisley@srtslaw.com

24 Attorney for Techshell, Inc.

/s/ Brian E. Mitchell  
 Brian E. Mitchell  
 MITCHELL + COMPANY  
 4 Embarcadero Center, Suite 1400  
 San Francisco, CA 94111  
 Telephone: (415) 766-3515  
 Email: brian.mitchel@mcclawoffices.com

Attorney for Incase Designs, Inc., Best Buy  
 Company Inc., BestBuy.com LLC and Best  
 Buy Stores LP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: August 10, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

**ATTESTATION OF CONCURRENCE**

I, Brian E. Mitchell, hereby attest that I am one of the attorneys for Defendants, and, as the ECF user and filer of this document, I attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from the above signatory.

Dated: August 3 2012

By: /s/ Brian E. Mitchell